ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
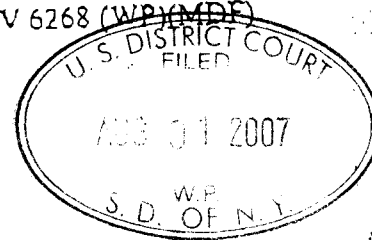
ROCKLAND VENDING CORP.,

                                    Plaintiff,

          -against-

ROXANNE CREEN, sued in her individual capacity,
MARSHA F. RILEY, sued in her individual capacity,
STEWART KIDDER, sued in his individual capacity,

                                    Defendants.

STIPULATION AND ORDER
RE: SCHEDULING ANSWER AND
QUALIFIED IMMUNITY

07 CV 6268 (WP)(MDF)

U.S. DISTRICT COURT
FILED
AUG 0 1 2007
S.D. OF N.Y.

WHEREAS the plaintiff intends to file an amended complaint in the above captioned action;

and,

WHEREAS any response that the current defendants made to the current complaint would

be mooted by the filing of an amended complaint; and,

WHEREAS the filing of an amended complaint may raise new issues relating to the defense
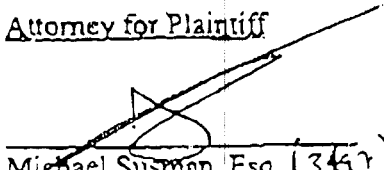
of qualified immunity;

IT IS HEREBY STIPULATED AND AGREED THAT:

1)   Defendants need not respond to the original complaint, and shall respond to the

complaint by answer or motion served within 30 days of service of the amended complaint upon

them; and

2)   Paragraph 3.d. of the Civil Case Discovery Plan and Scheduling Order dated July 24,

2007, is amended to state that any deposition of plaintiff(s) shall be taken within 30 days of service

of defendants' response to the amended complaint, and that any motion thereafter raising the

qualified immunity issue under Rule 12(c) or Rule 56 shall be served within 30 days of the latest of

said depositions.

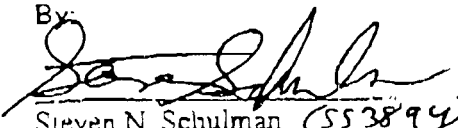Dated: Goshen, New York
     July ___, 2007

Attorney for Plaintiff

Michael Susman, Esq. (347)
Susman & Watkins
40 Park Place
Goshen, New York 10924
(845) 294-3991

Dated: New York, New York
July 30 2007

Attorney for Defendants
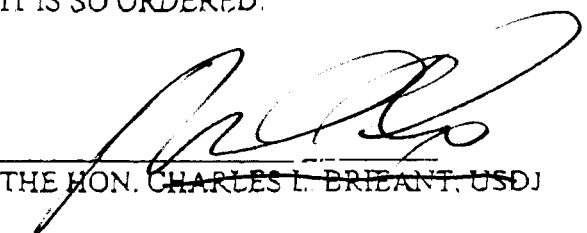ANDREW M. CUOMO
Attorney General of the
State of New York
By:

Steven N. Schulman (SS 3894)
Daniel Schulze
Asst. Attorneys General
120 Broadway
New York, New York 10271
(212) 416-8654

Dated: White Plains, New York
   ~~July ___, 2007~~
   August 1, 2007

IT IS SO ORDERED.

THE HON. CHARLES L. BRIEANT, USDJ

MARK D. FOX
United States Magistrate Judge
Southern District of New York